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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,541	08/19/2003	Joseph Farino	LIT-020 CIP	4269
7590	12/23/2003		EXAMINER	
Herten, Burstein, Sheridan, Cevasco, Bottinelli & Litt, L.L.C. Court Plaza North 25 Main Street Hackensack, NJ 07601			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 12/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,541	FARINO, JOSEPH	
<b>Examiner</b>	<b>Art Unit</b>		
Lori L. Coletta	3612		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 August 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ . 6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen 5,529,372 in view of Wakamatsu et al. 5,918,940.

Regarding claim 1, Cohen '372 discloses a theft prevention device for vehicles employing a powered seat system (10) to automatically control the position of a vehicle seat movably situated to parallel guide rails (26) to enable the seat to move forwardly or rearwardly, wherein the vehicle seat includes a seat member (12) and a lumbar support member (14), which move independently of one another, the theft prevention device comprising a security module integrated with the power seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original position and a forward security position with the seat member and the lumbar support member moved forward to prevent a thief from accessing the passenger compartment of the vehicle; and wherein selective actuation of the security module causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member fully forward from its original position to a security position flush with the forward most position within a passenger compartment of the vehicle and causes the security module to

instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

However, Cohen '372 does not show a gearing mechanism linking the seat member and the lumbar support member for controlled forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle.

Wakamatsu et al. '940 teaches a gearing mechanism (14 and 12) linking the seat member (2A) and the lumbar support member (3A) for controlled forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle in Figure 6.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the theft prevention device of Cohen '372 with a gearing mechanism, as taught by Watamatsu et al. '940, in order to control forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle.

Regarding claims 2 and 10, Cohen '372, as modified, discloses the theft prevention device (the vehicle), further including a trigger switch linked to the security module for sending a trigger event signal instructing the security module when an individual leaves the vehicle or when an individual returns to the vehicle, the trigger switch sending a first trigger event signal to the security module when an individual leaves the vehicle and a second trigger signal when the individual returns to the vehicle; wherein initiation of the first trigger event signal causes the security module to instruct the powered seat system to move the seat member forward along the

guide rails and rotate the lumbar support member fully forward from its original position to a forward security position flush with the forward most position with a passenger compartment of the vehicle, and initiation of the second trigger event signal causes the security module to instruct the powered seat system to move the seat member and lumbar support member to their original positions.

Regarding claims 3 and 12, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the trigger switch is associated with a door of the vehicle.

Regarding claims 4 and 13, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the first trigger event switch is initiated upon closing of the vehicle door after the ignition has been turned off.

Regarding claims 5 and 14, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the second trigger event switch is initiated upon the opening of the vehicle door.

Regarding claims 6 and 16, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the gearing mechanism facilitates movement of the lumbar support member flush with either a steering wheel or dashboard of the vehicle.

Regarding claims 7 and 17, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the gearing mechanism includes a series of teeth permitting movement of the lumbar support member to a fully forward position flush with the forward most position within a passenger compartment of the vehicle.

Regarding claims 8 and 18, Cohen '372, as modified, discloses the theft prevention device (the vehicle), wherein the gearing mechanism includes a lumbar gear with teeth over an

arc sufficient to facilitate full forward rotation of the lumbar support member to a fully forward position flush with the forward most position within a passenger compartment of the vehicle.

Regarding claim 9, Cohen '372 discloses a vehicle provided with a theft prevention device comprising a powered seat system (10) to automatically control the position of a vehicle seat movably situated to parallel guide rails (26) to enable the seat to move forwardly or rearwardly, wherein the vehicle seat includes a seat member (12) and a lumbar support member (14), which move independently of one another, a security module integrated with the power seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original position and a forward security position with the seat member and the lumbar support member moved forward to prevent a thief from accessing the passenger compartment of the vehicle; and wherein selective actuation of the security module causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member fully forward from its original position to a security position flush with the forward most position within a passenger compartment of the vehicle and causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

However, Cohen '372 does not show a gearing mechanism linking the seat member and the lumbar support member for controlled forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle.

Wakamatsu et al. '940 teaches a gearing mechanism (14 and 12) linking the seat member (2A) and the lumbar support member (3A) for controlled forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle in Figure 6.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the seat member and the lumbar support member of the vehicle of Cohen '372 with a gearing mechanism, as taught by Watamatsu et al. '940, in order to control forward movement of the lumbar support member to a fully forward position flush with a forward most position within a passenger compartment of the vehicle.

Regarding claim 11, Cohen '372, as modified, discloses the vehicle, the security module includes a security controller instructing the powered seat system.

Regarding claim 15, Cohen '372, as modified, discloses the vehicle, wherein the powered seat system is a seating patterning system.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other theft prevention systems for seats similar to that of the current invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta  
Examiner  
Art Unit 3612

Lori L. Coletta

Lori L. Coletta  
December 17, 2003